

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:08-CR-00109-RJC

USA

v.

STEWART SCHER

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant, pro se, requesting that the Court recommend twelve months' placement in a residential reentry center pursuant to the Second Chance Act. (Doc. No. 42).

Title 18, United States Code, Section 3624(c) allows the Bureau of Prisons (BOP) to place a prisoner in pre-release custody under conditions, including home confinement, for the last portion of his sentence to prepare him for re-entry into the community. The Second Chance Act of 2007, among other things, expanded the allowable time period for pre-release custody from six to twelve months, but limits the time in home confinement to six months. Pub. L. No. 110-199, § 251, 122 Stat. 657, 692-93 (2008). The Act clearly states that it does not alter the BOP's authority to designate the place of the prisoner's imprisonment under 18 U.S.C. § 3621, and prohibits a court from ordering that a sentence be served in a community confinement facility. Id.

Although the Court appreciates the defendant's participation in the Residential Drug Abuse Program and educational programs while incarcerated, the BOP is in a better position to consider the most appropriate resources for him.

United States v. Evans, 159 F.3d 908, 912 (4th Cir. 1998) (authority to designate place of confinement vested in BOP).

**IT IS, THEREFORE, ORDERED** that the defendant's motion (Doc. No. 42) is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, the United States Attorney, and the United States Marshal.

Signed: August 29, 2018

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.  
United States District Judge

